

JOSEPH L. FOX
ATTORNEY AT LAW

THE LINCOLN BUILDING
60 EAST 42ND STREET
SUITE 2231
NEW YORK, NEW YORK 10165
TEL: (212) 949-8300
FAX: (212) 684-1428
E-MAIL: jfox@joefoxlaw.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/13/07

June 12, 2007

BY FAX

Hon. John G. Koeltl
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street,
New York, New York 10007

Re: In re Ernst
Case No. 07-CV-4840

Appellees' Response to Appellant's Request for Enlargement of Time to File
Appellant's Brief

*Time to file Appellee's
Brief extended to
July 31, 2007.
So ordered
6/12/07. J. G. Koeltl
u.s.d.j.*

Dear Judge Koeltl:

I just received a copy of the Court's response to Mr. Carey's request for an enlargement of time to file his brief. Mr. Carey sent me a copy of a similar request to Judge Freeman which I received at approximately 5:36 p.m. on June 11, 2007, prior to my leaving for the night. I was unaware that he also sent the same letter to your honor at 6:11 p.m. I sent a response to Judge Freeman this morning and this was apparently not considered by the Court in granting Mr. Carey's request. Accordingly, set forth hereafter is the text of the letter I sent to Judge Freeman. I respectfully request that the Court consider my comments and my request.

This response is submitted on behalf of appellees/debtors, Rudolf J.O. Ernst and Angelika Ernst, to the application of appellant, Carey & Associates, for an enlargement of time to file its brief.

Prior to bringing its motion, Natasha Concepcion, an associate at the law firm of Carey & Associates, called me and asked for the appellee's consent to this request. I called my clients to convey the request and they informed me that in the long course of this matter, while in State Court, Mr. Carey denied similar requests made by their attorney. We also discussed the strenuous challenges that I encountered with appellant in trying to arrange

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reasonable timetables. Therefore, they would refuse to consent to his request. I was thus constrained to not extend the courtesy of a consent to this request.

Pursuant to the "Individual Practices of Magistrate Debra Freeman," appellant should have informed the Court of the "reason given by the adversary for refusing to consent." See Practice Rule 1(E)(4). Indeed, Ms. Concepcion indicated that she would include that in her request.

Ms. Concepcion and I also discussed my schedule, which she neglected to inform the Court. I am scheduled to be out of the country from approximately July 4 through July 16. If the appellant's time were extended until July 9, as requested, appellees would have only seven (7) days to prepare its response. This matter has gone on for too long and negatively impacted debtors' lives too severely; such a shortening of time would result in a significant injustice to appellees. Appellant has had months to prepare for its brief, while appellees will not know appellant's arguments until after we see the brief.

Therefore, appellees respectfully request that, in the event the Court grants appellant's request for enlargement of time, the Court also grant appellees additional time, until July 31, 2007, to file appellees' brief.

Respectfully,

Joseph L. Fox

Cc: Carey & Associates LLC (by fax)
Jeffrey L. Sapir, Chapter 13 Trustee (by fax)
Office of the United States Trustee (by mail)